



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 2

PART II—Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 64] नई दिल्ली, मंगलवार, दिसम्बर 10, 1968/अग्रहायणा 19, 1890
No. 64] NEW DELHI, TUESDAY, DECEMBER 10, 1968/Agrahayana 19, 1890

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

LOK SABHA

The following Bill was introduced in Lok Sabha on the 10th December, 1968.—

BILL No 113 OF 1968

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Twenty-second Amendment) Act, 1968. Short
title

Insertion of
new article
244A.

Formation of
an auton-
omous State
comprising
certain tri-
bal areas in
Assam and
creation of
local Legis-
lature or
Council of
Ministers or
both there-
for

2. In Part X of the Constitution, after article 244, the following article shall be inserted, namely:—

“244A. (1) Notwithstanding anything in this Constitution, Parliament may, by law, form within the State of Assam an autonomous State comprising (whether wholly or in part) all or any of the tribal areas specified in Part A of the table appended to paragraph 20 of the Sixth Schedule and create therefor—

(a) a body, whether elected or partly nominated and partly elected, to function as a Legislature for the autonomous State, or

(b) a Council of Ministers,

or both with such constitution, powers and functions, in each case, as may be specified in the law.

(2) Any such law as is referred to in clause (1) may, in particular,—

(a) specify the matters enumerated in the State List or the Concurrent List with respect to which the Legislature of the autonomous State shall have power to make laws for the whole or any part thereof, whether to the exclusion of the Legislature of the State of Assam or otherwise;

(b) define the matters with respect to which the executive power of the autonomous State shall extend;

(c) provide that any tax levied by the State of Assam shall be assigned to the autonomous State in so far as the proceeds thereof are attributable to the autonomous State;

(d) provide that any reference to a State in any article of this Constitution shall be construed as including a reference to the autonomous State; and

(e) make such supplemental, incidental and consequential provisions as may be deemed necessary.

(3) An amendment of any such law as aforesaid in so far as such amendment relates to any of the matters specified in sub-clause (a) or sub-clause (b) of clause (2) shall have no effect unless the amendment is passed in each House of Parliament by not less than two-thirds of the members present and voting.

(4) Any such law as is referred to in this article shall not be deemed to be an amendment of this Constitution for the purposes of article 368 notwithstanding that it contains any provision which amends or has the effect of amending this Constitution.”

3. In article 275 of the Constitution, after clause (1), the following clause shall be inserted, namely:—

Amendment
of article
275.

“(1A) On and from the formation of the autonomous State under article 244A,—

(i) any sums payable under clause (a) of the second proviso to clause (1) shall, if the autonomous State comprises all the tribal areas referred to therein, be paid to the autonomous State, and, if the autonomous State comprises only some of those tribal areas, be apportioned between the State of Assam and the autonomous State as the President may, by order, specify;

(ii) there shall be paid out of the Consolidated Fund of India as grants-in-aid of the revenues of the autonomous State sums, capital and recurring, equivalent to the costs of such schemes of development as may be undertaken by the autonomous State with the approval of the Government of India for the purpose of raising the level of administration of that State to that of the administration of the rest of the State of Assam.”.

4. After article 371A of the Constitution, the following article shall be inserted, namely:—

Insertion of
new article
371B.

“371B. Notwithstanding anything in this Constitution, the President may, by order made with respect to the State of Assam, provide for the constitution and functions of a committee of the Legislative Assembly of the State consisting of members of that Assembly elected from the tribal areas specified in Part A of the table appended to paragraph 20 of the Sixth Schedule and such number of other members of that Assembly as may be specified in the order and for the modifications to be made in the rules of procedure of that Assembly.”.

Special
provision
with respect
to the State
of Assam.

STATEMENT OF OBJECTS AND REASONS

On the 11th September, 1968, the Government of India announced the broad details of the scheme for constituting within the State of Assam an autonomous State comprising certain areas specified in Part A of the table appended to paragraph 20 of the Sixth Schedule to the Constitution. Clause 2 of the Bill seeks to insert a new article 244A in the Constitution to confer the necessary legislative power on Parliament to enact a law for constituting the autonomous State and also to provide the autonomous State with a Legislature and a Council of Ministers with such powers and functions as may be defined by that law.

Clause 3 of the Bill makes a consequential amendment to article 275 in regard to certain special grants payable to the State of Assam in respect of the areas which may form part of the autonomous State

Clause 4 of the Bill provides for the constitution of a committee of the Assam Legislative Assembly consisting of members of that Assembly from the tribal areas aforesaid and a few other members of that Assembly, as envisaged in the scheme.

NEW DELHI;

Y. B. CHAVAN

The 12th November, 1968.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. 24/15/68-SR, dated the 4th December, 1968 from Shri Y. B. Chavan, Minister of Home Affairs to the Secretary, Lok Sabha.]

The President having been informed of the subject matter of the Bill further to amend the Constitution of India, recommends, under clauses (1) and (3) of article 117 of the Constitution, the introduction and consideration of the said Bill in the Lok Sabha.

FINANCIAL MEMORANDUM

Under clause (a) of the second proviso to article 275(1) of the Constitution, a sum of Rs. 40 lakhs is being paid annually to the State of Assam by way of grant-in-aid. Grants-in-aid to that State under the first proviso and clause (b) of the second proviso to that article are determined from year to year on the basis of schemes of development approved by the Central Government having regard to the Plan priorities. For the current year, a consolidated provision of Rs. 61.35 lakhs has been made in the Central Budget for this purpose in respect of Part A tribal areas.

2. Clause 3 of the Bill which seeks to allocate the grant under clause (a) aforesaid to the autonomous State either wholly or in part and for the payment of grants to that State in respect of approved schemes of development, if enacted and brought into force, will entail expenditure from the Consolidated Fund of India but to the extent of such grants there will be a corresponding reduction in the sums payable to the State of Assam. It is not possible to estimate the precise quantum of the grants which will have to be given to the autonomous State as this would depend on the areas which will ultimately form part of the autonomous State and the schemes of development that may be approved from time to time.

3 The Bill, if passed into law, will not involve any non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill inserts a new article 371B making a special provision with respect to the State of Assam. That article will enable the President to provide for the constitution and functions of a committee of the Legislative Assembly of Assam, consisting of members of that Assembly elected from Part A tribal areas and a specified number of other members of that Assembly. The intention is that the committee should consider Bills (excluding money Bills) introduced in the Assembly in respect of subjects which are of common interest to the State of Assam as a whole, i.e., other than subjects which are exclusively assigned to the autonomous State. This may involve modification of the rules of procedure of the Assembly by the President. As these are matters of procedure and detail, the delegation of legislative power is of a normal character.

S. L. SHAKDHER,

Secretary.